

Introduced by Committee on Business and Professions (Senators Figueroa (Chair), Brulte, Cedillo, Machado, Murray, and Vincent)

March 17, 2004

An act to amend Sections 28, 1274, 2041, 2462, 2470.14, 2902, 2915.7, 2936, 4005, 4030, 4059.5, 4076, 4081, 4101, 4114, 4200, 4409, 4980.395, 4990.4, 4995.26, 4996.18, and 4996.20 of, and to add Sections 4026.5, 4107, 4208, and 4209 to, the Business and Professions Code, and to amend Sections 11159.1, 11207, and 111625 of the Health and Safety Code, relating to professions.

LEGISLATIVE COUNSEL'S DIGEST

SB 1913, as introduced, Committee on Business and Professions. Professions.

(1) Existing law provides for the licensing and regulation of psychologists, clinical social workers, and marriage and family therapists. Existing law requires a person applying for licensure as a psychologist, clinical social worker, or marriage and family therapist on and after January 1, 1987, to have completed specified coursework or training in child abuse assessment and reporting from certain types of institutions.

This bill would revise the types of educational institutions from which the training may be obtained.

(2) Existing law provides for the regulation of clinical laboratories. Existing law requires a clinical laboratory to send to persons submitting cytological samples for evaluation information letters on all cases of dysplasia, and requires that, when a clinical lab determines that an abnormality of dysplasia has been identified for a patient for whom the

lab earlier reported a normal finding, all previous cytologic slides on that patient be reexamined by the lab.

This bill would instead state that these requirements are applicable to cases of high-grade squamous intraepithelial lesions.

(3) Existing law provides for the regulation and licensure of podiatrists by the California Board of Podiatric Medicine, in the Medical Board of California. The California Board of Podiatric Medicine consists of specified members, 5 of whom are appointed by the Governor, and requires the Governor to give consideration to recommendations of the board, except with regard to the public members.

This bill would remove the requirement that the Governor give consideration to the recommendations of the board in appointing members to the board.

(4) Existing law provides for the licensure and regulation of occupational therapists by the California Board of Occupational Therapy. Existing law requires an initial applicant for an occupational therapy license to provide evidence of certain qualifications, including evidence of having successfully completed a board-approved education program specifically designed for applicants preparing for reentry into the field of occupational therapy.

This bill would delete the requirement that an applicant provide evidence of having successfully completed a board-approved educational program specifically designed for applicants preparing for reentry into the field of occupational therapy.

(5) Existing law provides for the licensure and regulation of psychologists by the Board of Psychology. Existing law requires licensed psychologists to post a notice to consumers containing specified language regarding the Board of Psychology.

This bill would revise the language in the notice, and would require the licensee to post the notice in English as well as in any other languages spoken by their patients during therapy.

(6) Existing law, the Pharmacy Law, provides for the licensure and regulation of pharmacies and pharmacists by the California State Board of Pharmacy, in the Department of Consumers Affairs. A knowing violation of the Pharmacy Law is a crime.

Existing law authorizes the board to adopt rules and regulations necessary for the protection of the public, and specifies rules and regulations that may be adopted.



This bill would add rules and regulations relating to the pharmacy practice experience necessary for licensure as a pharmacist. The bill would also define a license in good standing as a license issued by the board that is unrestricted by disciplinary action.

Existing law generally requires dangerous drugs or dangerous devices to be delivered to a licensed pharmacy premises and signed for and received by the pharmacist-in-charge or, in his or her absence, another pharmacist he or she delegates.

This bill would instead require signature by and delivery to a pharmacist. The bill would authorize a pharmacy to take delivery of dangerous drugs or dangerous devices when the pharmacy is closed and no pharmacist is on duty if specified requirements are met.

Existing law prohibits a pharmacist from dispensing a prescription except in a container that meets specified labeling requirements, including a label that contains the name of the prescriber. Existing law authorizes a pharmacist to furnish certain medications without a prescription if specified conditions are met.

This bill would require a pharmacist who furnishes medications without a prescription, as specified, to indicate his or her name on the container. This bill would prohibit the board from issuing or, effective July 1, 2004, from renewing a site license to a facility located in a personal residence. The bill would also prohibit the board from issuing more than one site license to a single premises, except as specified.

Existing law defines an intern pharmacist as a person registered with the board who has completed education requirements determined by the board. Existing law authorizes an intern pharmacist to perform activities pertaining to the practice of pharmacy as determined by the board, and requires that an act restricted to a pharmacist may be performed by an intern pharmacist only under the supervision of a pharmacist. Existing law prohibits a pharmacist from supervising more than one intern pharmacist at a time.

This bill would require the licensure of intern pharmacists and would set forth specified requirements that an intern pharmacist must meet, and conditions under which intern pharmacist license may be issued. The bill would also authorize an intern pharmacist to perform all functions of a pharmacist at the discretion of and under the supervision of a pharmacist whose license is in good standing with the board, and would prohibit a pharmacist from supervising more than two intern pharmacists at one time.



Existing law requires an applicant for licensure as a pharmacist who has graduated from a foreign pharmacy school to, among other things, receive a grade satisfactory to the board on an examination designed to measure equivalency.

This bill would instead require a foreign-educated applicant to be certified by the Foreign Pharmacy Graduate Examination Committee.

Existing law authorizes a pharmacist or pharmacy renewing a license to make a \$25 contribution to the board to fund the California Pharmacist Scholarship and Loan Repayment Program.

This bill would require that the contribution be at least \$25.

Because this bill would create new requirements and prohibitions applicable to pharmacists, the knowing violation of which would be a crime, it would impose a state-mandated local program.

(7) Existing law provides for the licensing and regulation of social workers by the Board of Behavioral Sciences in the Department of Consumer Affairs. Existing law sets forth an initial registration fee as an associate clinical social worker of \$90. Existing law requires an applicant for registration or licensure trained in an educational institution outside of the United States to meet specified requirements.

This bill would change the initial registration fee to \$75. The bill would also revise the licensure requirements for foreign graduates.

(8) Existing law regulates the manufacture of pharmaceuticals.

This bill would prohibit a manufacturer of pharmaceuticals from operating without employing sufficient, qualified supervision to adequately safeguard and protect the public health.

(9) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 28 of the Business and Professions Code
- 2 is amended to read:
- 3 28. The Legislature finds that there is a need to ensure that
- 4 professionals of the healing arts who have demonstrable contact



1 with child abuse victims, potential child abuse victims, and child
2 abusers and potential child abusers are provided with adequate and
3 appropriate training regarding the assessment and reporting of
4 child abuse which will ameliorate, reduce, and eliminate the
5 trauma of child abuse and neglect and ensure the reporting of child
6 abuse in a timely manner to prevent additional occurrences.

7 ~~The Psychology Examining Committee~~ *Board of Psychology*
8 and the Board of Behavioral Sciences shall establish required
9 training in the area of child abuse assessment and reporting for all
10 persons applying for initial licensure and renewal of a license as
11 a psychologist, clinical social worker, or marriage and family
12 therapist on or after January 1, 1987. This training shall be
13 required one time only for all persons applying for initial licensure
14 or for licensure renewal on or after January 1, 1987.

15 All persons applying for initial licensure and renewal of a
16 license as a psychologist, clinical social worker, or marriage and
17 family therapist on or after January 1, 1987, shall, in addition to
18 all other requirements for licensure or renewal, have completed
19 coursework or training in child abuse assessment and reporting
20 which meets the requirements of this section, including detailed
21 knowledge of Section 11165 of the Penal Code. The training shall
22 *meet all of the following requirements:*

23 (a) Be completed after January 1, 1983.

24 (b) Be obtained from one of the following sources:

25 (1) An accredited or approved educational institution, as
26 defined in Section 2902, including extension courses offered by
27 those institutions.

28 ~~(2) An educational institution approved by the Council for~~
29 ~~Private Postsecondary and Vocational Education pursuant to~~
30 ~~Article 4 (commencing with Section 94760) of Chapter 7 of Part~~
31 ~~59 of the Education Code.~~

32 ~~(3)~~ A continuing education provider approved by the
33 responsible board or examining committee.

34 ~~(4)~~

35 (3) A course sponsored or offered by a professional association
36 or a local, county, or state department of health or mental health
37 for continuing education and approved by the responsible board.

38 (c) Have a minimum of 7 contact hours.

39 (d) Include the study of the assessment and method of reporting
40 of sexual assault, neglect, severe neglect, general neglect, willful

1 cruelty or unjustifiable punishment, corporal punishment or
2 injury, and abuse in out-of-home care. The training shall also
3 include physical and behavioral indicators of abuse, crisis
4 counseling techniques, community resources, rights and
5 responsibilities of reporting, consequences of failure to report,
6 caring for a child's needs after a report is made, sensitivity to
7 previously abused children and adults, and implications and
8 methods of treatment for children and adults.

9 (e) ~~All applicants~~ *An applicant* shall provide the appropriate
10 board with documentation of completion of the required child
11 abuse training.

12 ~~The Psychology Examining Committee~~ *Board of Psychology*
13 and the Board of Behavioral Sciences shall exempt ~~any~~ *an*
14 applicant who applies for an exemption from the requirements of
15 this section and who shows to the satisfaction of the ~~committee or~~
16 board that there would be no need for the training in his or her
17 practice because of the nature of that practice.

18 It is the intent of the Legislature that a person licensed as a
19 psychologist, clinical social worker, or marriage and family
20 therapist have minimal but appropriate training in the areas of
21 child abuse assessment and reporting. It is not intended that by
22 solely complying with the requirements of this section, a
23 practitioner is fully trained in the subject of treatment of child
24 abuse victims and abusers.

25 (f) This section shall become operative on January 1, 1997.

26 SEC. 2. Section 1274 of the Business and Professions Code
27 is amended to read:

28 1274. (a) ~~Laboratories~~ *A laboratory* shall send to persons
29 submitting cytologic samples for evaluation, on a quarterly basis,
30 informational letters on all cases of ~~dysplasia (Cervical~~
31 ~~Intraepithelial Neoplasia) through malignancy~~ *HSIL (high-grade*
32 *squamous intraepithelial lesions)*. Copies of letters to those
33 persons, and ~~any~~ responses received to those letters, shall be
34 maintained on file by the laboratories for a period of five years.

35 (b) Whenever it becomes known to a clinical laboratory that an
36 abnormality *of HSIL (high-grade squamous intraepithelial*
37 *lesions)* has been identified for a patient for whom the clinical
38 laboratory earlier reported a normal finding, all previous available
39 cytologic slides on that patient shall be reexamined by the clinical
40 laboratory.

1 (c) Records of the review of ~~any~~ previous slides required by
2 subdivision (b) shall be maintained by the clinical laboratory,
3 including the name of the individual performing the earlier
4 examination.

5 (d) ~~Each~~ A clinical laboratory shall maintain records of all false
6 positive and false negative cases.

7 When any errors in the reporting of a smear evaluation are
8 discovered, a corrected report shall be immediately sent, when
9 medically applicable. Copies of corrected reports shall be
10 maintained in the laboratory records for a period of 10 years.

11 SEC. 3. Section 2041 of the Business and Professions Code
12 is amended to read:

13 2041. The term “licensee” as used in this chapter means the
14 holder of a physician’s and surgeon’s certificate or ~~podiatrist’s~~
15 *doctor of podiatric medicine’s* certificate, as the case may be, who
16 is engaged in the professional practice authorized by such
17 certificate under the jurisdiction of the appropriate division,
18 *board*, or examining committee.

19 SEC. 4. Section 2462 of the Business and Professions Code
20 is amended to read:

21 2462. The board shall consist of seven members, three of
22 whom shall be public members. Not more than one member of the
23 board shall be a full-time faculty member of a college or school of
24 podiatric medicine. ~~The Governor shall give consideration to~~
25 ~~recommendations of the board after the division has consulted~~
26 ~~with the board, except with regard to the public members.~~

27 The Governor shall appoint the four members qualified as
28 provided in Section 2463 and one public member. The Senate
29 Rules Committee and the Speaker of the Assembly shall each
30 appoint a public member.

31 SEC. 5. Section 2570.14 of the Business and Professions
32 Code is amended to read:

33 2570.14. ~~Any~~ An initial applicant who has not been actively
34 engaged in the practice of occupational therapy within the past five
35 years shall provide to the board, in addition to the requirements for
36 licensure under Section 2570.6, any of the following:

37 (a) Evidence of continued competency as referred to in
38 subdivision (b) of Section 2570.10 for the previous two-year
39 period.

(b) Evidence of having completed the entry-level certification examination as described in subdivision (b) of Section 2570.7 within the previous two-year period.

~~(c) Evidence of having successfully completed a board-approved educational program specifically designed for applicants preparing for reentry into the field of occupational therapy.~~

SEC. 6. Section 2902 of the Business and Professions Code is amended to read:

2902. As used in this chapter, unless the context clearly requires otherwise and except as in this chapter expressly otherwise provided *the following definitions apply*:

(a) “Licensed psychologist” means an individual to whom a license has been issued pursuant to the provisions of this chapter, which license is in force and has not been suspended or revoked.

(b) “Board” means the Board of Psychology.

(c) A person represents himself or herself to be a psychologist when the person holds himself or herself out to the public by any title or description of services incorporating the words “psychology,” “psychological,” “psychologist,” “psychology consultation,” “psychology consultant,” “psychometry,” “psychometrics” or “psychometrist,” “psychotherapy,” “psychotherapist,” “psychoanalysis,” or “psychoanalyst,” or when the person holds himself or herself out to be trained, experienced, or an expert in the field of psychology.

(d) “Accredited,” as used with reference to academic institutions, means the University of California, the California State University, ~~an institution accredited under Section 94761 of the Education Code~~, or an institution located in another state that is accredited by a national or an applicable regional accrediting agency recognized by the United States Department of Education.

(e) “Approved,” as used with reference to academic institutions, means ~~approved under an institution having “approval to operate”, as defined in Section 94777~~ 94718 of the Education Code.

SEC. 7. Section 2915.7 of the Business and Professions Code is amended to read:

2915.7. (a) ~~Effective January 1, 2005, as a condition of the first renewal of a person’s license pursuant to this chapter, any person~~ A licensee who began graduate study prior to January 1,

2004, shall complete a three-hour continuing education course in aging and long-term care *during his or her first renewal period after the operative date of this section*, and shall submit to the board evidence acceptable to the board of the person's satisfactory completion of that course.

(b) The course ~~could~~ *should* include, but is not limited to, the biological, social, and psychological aspects of aging.

(c) Any person seeking ~~the first renewal of his or her license pursuant to this chapter~~ *to meet the requirements of subdivision (a) of this section* may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this section, or proof of equivalent teaching or practice experience. The board, in its discretion, may accept that certification as meeting the requirements of this section.

(d) The board ~~shall~~ *may* not renew an applicant's license ~~upon the applicant's application for the first renewal of his or her license~~ until the applicant has met the requirements of this section.

(c) *This section shall become operative on January 1, 2005.*

SEC. 8. Section 2936 of the Business and Professions Code is amended to read:

2936. The board shall adopt a program of consumer and professional education in matters relevant to the ethical practice of psychology. The board shall establish as its standards of ethical conduct relating to the practice of psychology, the code of ethics adopted and published by the American Psychological Association (APA). Those standards shall be applied by the board as the accepted standard of care in all licensing examination development and in all board enforcement policies and disciplinary case evaluations.

To facilitate consumers in receiving appropriate psychological services, all licensees and registrants shall be required to post, in a conspicuous location in their principal psychological business office, a notice which reads as follows:

“NOTICE TO CONSUMERS: The Department of Consumer Affairs ~~Affair's~~ *Board of Psychology* receives and responds to questions and complaints regarding the practice of psychology. If you have ~~any~~ questions or complaints, you may contact ~~this department~~ *the board on the Internet at*

1 ~~www.psychboard.ca.gov, by calling (insert appropriate regional~~
2 ~~number) or (insert appropriate telephone number)~~
3 ~~1-866-503-3221, or by writing to the following address:~~

4
5 Board of Psychology
6 1422 Howe Avenue, ~~Ste.~~ Suite 22
7 Sacramento, California 95825-3236”

8
9 *A licensee shall post the Notice to Consumers in English as well*
10 *as in any other language(s) spoken by their patients during*
11 *therapy.*

12 SEC. 9. Section 4005 of the Business and Professions Code
13 is amended to read:

14 4005. (a) The board may adopt rules and regulations, not
15 inconsistent with the laws of this state, as may be necessary for the
16 protection of the public. Included therein shall be the right to adopt
17 rules and regulations as follows: for the proper and more effective
18 enforcement and administration of this chapter; pertaining to the
19 practice of pharmacy; relating to the sanitation of persons and
20 establishments licensed under this chapter; pertaining to
21 establishments wherein any drug or device is compounded,
22 prepared, furnished, or dispensed; providing for standards of
23 minimum equipment for establishments licensed under this
24 chapter; ~~and~~ pertaining to the sale of drugs by or through any
25 mechanical device; *and relating to pharmacy practice experience*
26 *necessary for licensure as a pharmacist.*

27 (b) Notwithstanding any provision of this chapter to the
28 contrary, the board may adopt regulations permitting the
29 dispensing of drugs or devices in emergency situations, and
30 permitting dispensing of drugs or devices pursuant to a
31 prescription of a person licensed to prescribe in a state other than
32 California where the person, if licensed in California in the same
33 licensure classification would, under California law, be permitted
34 to prescribe drugs or devices and where the pharmacist has first
35 interviewed the patient to determine the authenticity of the
36 prescription.

37 (c) The board may, by rule or regulation, adopt, amend, or
38 repeal rules of professional conduct appropriate to the
39 establishment and maintenance of a high standard of integrity and
40 dignity in the profession. Every person who holds a license issued

by the board shall be governed and controlled by the rules of professional conduct adopted by the board.

(d) The adoption, amendment, or repeal by the board of these or any other board rules or regulations shall be in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 10. Section 4026.5 is added to the Business and Professions Code, to read:

4026.5. “Good standing” means a license issued by the board that is unrestricted by disciplinary action taken pursuant to Chapter 5 (commencing with Section 11500) of Part 1 of Division 3 of Title 2 of the Government Code.

SEC. 11. Section 4030 of the Business and Professions Code is amended to read:

4030. “Intern pharmacist” means a person ~~registered with the board pursuant to Section 4200 who shall have completed the educational requirements as determined by the board~~ *issued a license pursuant to Section 4208.*

SEC. 12. Section 4059.5 of the Business and Professions Code is amended to read:

4059.5. (a) Except as otherwise provided in this chapter, dangerous drugs or dangerous devices may only be ordered by an entity licensed by the board and ~~must~~ *shall* be delivered to the licensed premises and signed for and received by ~~the pharmacist in charge or, in his or her absence, another pharmacist designated by the pharmacist in charge~~ *a pharmacist*. Where a licensee is permitted to operate through an exemptee, the exemptee may sign for and receive the delivery.

(b) A dangerous drug or dangerous device transferred, sold, or delivered to ~~any~~ *a* person within this state shall be transferred, sold, or delivered only to an entity licensed by the board, to a manufacturer, or to an ultimate user or the ultimate user’s agent.

(c) Notwithstanding subdivisions (a) and (b), deliveries to a hospital pharmacy may be made to a central receiving location within the hospital. However, the dangerous drugs or dangerous devices shall be delivered to the licensed pharmacy premises within one working day following receipt by the hospital, and the pharmacist on duty at that time shall immediately inventory the drugs or devices.

(d) Notwithstanding any other provision of law, a dangerous drug or dangerous device may be ordered by and provided to a manufacturer, physician, dentist, podiatrist, optometrist, veterinarian, or laboratory, or a physical therapist acting within the scope of his or her license. ~~Any~~ A person or entity receiving delivery of ~~any a dangerous drugs or devices~~ *drug or device*, or a duly authorized representative of the person or entity, shall sign for the receipt of the dangerous ~~drugs~~ *drug* or dangerous ~~devices~~ *device*.

(e) A dangerous drug or dangerous device shall not be transferred, sold, or delivered to ~~any~~ a person outside this state, whether foreign or domestic, unless the transferor, seller, or deliverer does so in compliance with the laws of this state and of the United States and of the state or country to which the drugs or devices are to be transferred, sold, or delivered. Compliance with the laws of this state and the United States and of the state or country to which the drugs or devices are to be delivered shall include, but not be limited to, determining that the recipient of the drugs or devices is authorized by law to receive the drugs or devices.

(f) *Notwithstanding subdivision (a), a pharmacy may take delivery of dangerous drugs and dangerous devices when the pharmacy is closed and no pharmacist is on duty if all of the following requirements are met:*

(1) *The drugs are placed in a secure storage facility in the same building as the pharmacy.*

(2) *Only the pharmacist-in-charge or a pharmacist designated by the pharmacist-in-charge has access to the secure storage facility after dangerous drugs or dangerous devices have been delivered.*

(3) *The secure storage facility has a means of indicating whether it has been entered after dangerous drugs or dangerous devices have been delivered.*

(4) *The pharmacy maintains written policies and procedures for the delivery of dangerous drugs and dangerous devices to a secure storage facility.*

(5) *The agent delivering dangerous drugs and dangerous devices pursuant to this subdivision leaves documents indicating the name and amount of each dangerous drug or dangerous device delivered in the secure storage facility.*

1 *The pharmacy shall be responsible for the dangerous drugs and*
2 *dangerous devices delivered to the secure storage facility. The*
3 *pharmacy shall also be responsible for obtaining and maintaining*
4 *records relating to the delivery of dangerous drugs and dangerous*
5 *devices to a secure storage facility.*

6 SEC. 13. Section 4076 of the Business and Professions Code
7 is amended to read:

8 4076. (a) A pharmacist~~shall~~ *may* not dispense any
9 prescription except in a container that meets the requirements of
10 state and federal law and is correctly labeled with all of the
11 following:

12 (1) Except where the prescriber or the certified nurse-midwife
13 who functions pursuant to a standardized procedure or protocol
14 described in Section 2746.51, the nurse practitioner who functions
15 pursuant to a standardized procedure described in Section 2836.1,
16 or protocol, or the physician assistant who functions pursuant to
17 Section 3502.1 orders otherwise, either the manufacturer's trade
18 name of the drug or the generic name and the name of the
19 manufacturer. Commonly used abbreviations may be used.
20 Preparations containing two or more active ingredients may be
21 identified by the manufacturer's trade name or the commonly used
22 name or the principal active ingredients.

23 (2) The directions for the use of the drug.

24 (3) The name of the patient or patients.

25 (4) The name of the prescriber~~and~~ *or*, if applicable, the
26 certified nurse-midwife who functions pursuant to a standardized
27 procedure or protocol described in Section 2746.51, the nurse
28 practitioner who functions pursuant to a standardized procedure
29 described in Section 2836.1, or protocol, *a pharmacist who*
30 *functions under a protocol as described in Section 4052*, or the
31 physician assistant who functions pursuant to Section 3502.1.

32 (5) The date of issue.

33 (6) The name and address of the pharmacy, and prescription
34 number or other means of identifying the prescription.

35 (7) The strength of the drug or drugs dispensed.

36 (8) The quantity of the drug or drugs dispensed.

37 (9) The expiration date of the effectiveness of the drug
38 dispensed.

1 (10) The condition for which the drug was prescribed if
2 requested by the patient and the condition is indicated on the
3 prescription.

4 (11) (A) Commencing January 1, 2006, the physical
5 description of the dispensed medication, including its color, shape,
6 and any identification code that appears on the tablets or capsules,
7 except as follows:

8 (i) Prescriptions dispensed by a veterinarian.

9 (ii) An exemption from the requirements of this paragraph
10 shall be granted to a new drug for the first 120 days that the drug
11 is on the market and for the 90 days during which the national
12 reference file has no description on file.

13 (iii) Dispensed medications for which no physical description
14 exists in any commercially available database.

15 (B) This paragraph applies to outpatient pharmacies only.

16 (C) The information required by this paragraph may be printed
17 on an auxiliary label that is affixed to the prescription container.

18 (D) This paragraph shall not become operative if the board,
19 prior to January 1, 2006, adopts regulations that mandate the same
20 labeling requirements set forth in this paragraph.

21 (b) If a pharmacist dispenses a prescribed drug by means of a
22 unit dose medication system, as defined by administrative
23 regulation, for a patient in a skilled nursing, intermediate care, or
24 other health care facility, the requirements of this section will be
25 satisfied if the unit dose medication system contains the
26 aforementioned information or the information is otherwise
27 readily available at the time of drug administration.

28 (c) If a pharmacist dispenses a dangerous drug or device in a
29 facility licensed pursuant to Section 1250 of the Health and Safety
30 Code, it is not necessary to include on individual unit dose
31 containers for a specific patient, the name of the certified
32 nurse-midwife who functions pursuant to a standardized
33 procedure or protocol described in Section 2746.51, the nurse
34 practitioner who functions pursuant to a standardized procedure
35 described in Section 2836.1, or protocol, *a pharmacist who*
36 *functions under a protocol as described in Section 4052*, or the
37 physician assistant who functions pursuant to Section 3502.1.

38 (d) If a pharmacist dispenses a prescription drug for use in a
39 facility licensed pursuant to Section 1250 of the Health and Safety
40 Code, it is not necessary to include the information required in

paragraph (11) of subdivision (a) when the prescription drug is administered to a patient by a person licensed under the Medical Practice Act (Chapter 5 (commencing with Section 2000)), the Nursing Practice Act (Chapter 6 (commencing with Section 2700)), or the Vocational Nursing Practice Act (Chapter 6.5 (commencing with Section 2840)), who is acting within his or her scope of practice.

SEC. 14. Section 4081 of the Business and Professions Code is amended to read:

4081. (a) All records of manufacture and of sale, acquisition, or disposition of dangerous drugs or dangerous devices shall be at all times during business hours open to inspection by authorized officers of the law, and shall be preserved for at least three years from the date of making. A current inventory shall be kept by every manufacturer, wholesaler, pharmacy, veterinary food-animal drug retailer, physician, dentist, podiatrist, veterinarian, laboratory, clinic, hospital, institution, or establishment holding a currently valid and unrevoked certificate, license, permit, registration, or exemption under Division 2 (commencing with Section 1200) of the Health and Safety Code or under Part 4 (commencing with Section 16000) of Division 9 of the Welfare and Institutions Code who maintains a stock of dangerous drugs or dangerous devices.

(b) The owner, officer, and partner of any pharmacy, wholesaler, or veterinary food-animal drug retailer shall be jointly responsible, with the pharmacist-in-charge or ~~exemptee~~ *exemptee-in-charge*, for maintaining the records and inventory described in this section.

(c) The pharmacist-in-charge or ~~exemptee~~ *exemptee-in-charge* shall not be criminally responsible for acts of the owner, officer, partner, or employee that violate this section and of which the pharmacist-in-charge or ~~exemptee~~ *exemptee-in-charge* had no knowledge, or in which he or she did not knowingly participate.

~~(d) This section shall become operative on July 1, 2001.~~

SEC. 15. Section 4101 of the Business and Professions Code is amended to read:

4101. (a) ~~Any~~ A pharmacist who takes charge of, or acts as pharmacist-in-charge of a pharmacy or other entity licensed by the board, who terminates his or her employment at the pharmacy or other entity, shall notify the board within 30 days of the termination of employment.

1 (b) ~~Any exemptee who takes charge of, or acts as manager of,~~
2 ~~An exemptee-in-charge of~~ a wholesaler or veterinary food-drug
3 ~~animal food drug-animal~~ retailer, who terminates his or her
4 employment at that entity shall notify the board within 30 days of
5 the termination of employment.

6 ~~(c) This section shall become operative on July 1, 2001.~~

7 SEC. 16. Section 4107 is added to the Business and
8 Professions Code, to read:

9 4107. (a) The board may not issue or, effective July 1, 2005,
10 renew a site license, including, but not limited to, a license to
11 conduct a wholesaler, pharmacy, veterinary food-animal drug
12 retailer, to a facility located in a personal residence.

13 (b) The board may not issue more than one site license to a
14 single premises except to issue a veterinary food-animal drug
15 retailer license to a wholesaler or to issue a license to compound
16 sterile injectable drugs to a pharmacy. For the purposes of this
17 subdivision, “premises” means a location with its own address
18 and an independent means of ingress and egress.

19 SEC. 17. Section 4114 of the Business and Professions Code
20 is amended to read:

21 4114. (a) ~~An intern pharmacist may perform any activities~~
22 ~~pertaining to the practice of pharmacy as the board may determine~~
23 ~~by regulation. Whenever in this chapter the performance of an act~~
24 ~~is restricted to a pharmacist, the act may be performed by an intern~~
25 ~~pharmacist under the supervision of a pharmacist. The pharmacist~~
26 ~~shall not supervise more than one intern pharmacist all functions~~
27 ~~of a pharmacist at the discretion of and under the supervision of~~
28 ~~a pharmacist whose license is in good standing with the board.~~

29 (b) *A pharmacist may not supervise more than two intern*
30 *pharmacists at any one time.*

31 SEC. 18. Section 4200 of the Business and Professions Code
32 is amended to read:

33 4200. (a) The board ~~shall~~ *may* license as a pharmacist, ~~and~~
34 ~~issue a certificate to,~~ any applicant who meets all the following
35 requirements:

36 (1) Is at least 18 years of age.

37 (2) (A) Has graduated from a college of pharmacy or
38 department of pharmacy of a university recognized by the board;
39 or

(B) If the applicant graduated from a foreign pharmacy school, the *foreign-educated* applicant has ~~received a grade satisfactory to the board on an examination designed to measure the equivalency of foreign pharmacy education with that required of domestic graduates been certified by the Foreign Pharmacy Graduate Examination Committee.~~

(3) Has completed at least 150 semester units of collegiate study in the United States, or the equivalent thereof in a foreign country. No less than 90 of those semester units shall have been completed while in resident attendance at a school or college of pharmacy.

(4) Has earned at least a baccalaureate degree in a course of study devoted to the practice of pharmacy.

(5) Has ~~had~~ *carried* 1,500 hours of ~~pharmaceutical~~ *pharmacy practice* experience *or the equivalent* in accordance with ~~regulations adopted by the board~~ *Section 4209.*

~~(A) "Pharmaceutical experience," constitutes service and experience in a pharmacy under the personal supervision of a pharmacist, and consists of service and experience predominantly related to the selling of drugs, compounding physician's prescriptions, preparing pharmaceutical preparations, and keeping records and making reports required under state and federal statutes.~~

~~(B) To be credited to the total number of hours required by this subdivision, this experience shall have been obtained in pharmacies and under conditions set forth by rule or regulation of the board.~~

(6) Has passed a written and practical examination given by the board prior to December 31, 2003, or has passed the North American Pharmacist Licensure Examination and the Multi-State Pharmacy Jurisprudence Examination for California on or after January 1, 2004.

(b) Proof of the qualifications of an applicant for licensure as a pharmacist, shall be made to the satisfaction of the board and shall be substantiated by affidavits or other evidence as may be required by the board.

(c) Each person, upon application for licensure as a pharmacist under this chapter, shall pay to the executive officer of the board, the fees provided by this chapter. The fees shall be compensation to the board for investigation or examination of the applicant.

1 SEC. 19. Section 4208 is added to the Business and
2 Professions Code, to read:

3 4208. (a) At the discretion of the board, an intern pharmacist
4 license may be issued for a period of:

5 (1) One to six years to a person who is currently enrolled in a
6 school of pharmacy recognized by the board.

7 (2) Two years to a person who is a graduate of a school of
8 pharmacy recognized by the board and who has applied to become
9 licensed as a pharmacist in California.

10 (3) Two years to a foreign graduate who has met educational
11 requirements described in paragraphs (1) to (4), inclusive, of
12 subdivision (a) of Section 4200.

13 (4) One year to a person who has failed the pharmacist
14 licensure examination four times and has reenrolled in a school of
15 pharmacy to satisfy the requirements of Section 4200.1.

16 (b) The board may issue an intern pharmacist license to an
17 individual for the period of time specified in a decision of
18 reinstatement adopted by the board.

19 (c) An intern pharmacist shall notify the board within 30 days
20 of any change of address.

21 (d) An intern pharmacist whose license has been issued
22 pursuant to paragraph (1) or paragraph (4) of subdivision (a) shall
23 return his or her license, by registered mail, within 30 days of no
24 longer being enrolled in a school of pharmacy. The intern
25 pharmacist license will be cancelled by the board.
26 Notwithstanding subdivision (c), an intern pharmacist license may
27 be reinstated if the student re-enrolls in a school of pharmacy
28 recognized by the board to fulfill the education requirements of
29 paragraphs (1) to (4), inclusive, of subdivision (a) of Section 4200.

30 SEC. 20. Section 4209 is added to the Business and
31 Professions Code, to read:

32 4209. (a) An intern pharmacist shall complete 1,500 hours of
33 pharmaceutical experience before applying for the pharmacist
34 licensure examination.

35 (1) This pharmaceutical experience shall comply with the
36 Standards of Curriculum established by the Accreditation Council
37 for Pharmacy Education or with regulations adopted by the board.

38 (b) An intern pharmacist shall submit proof of his or her
39 experience on board-approved affidavits, which shall be certified
40 under penalty of perjury by a pharmacist under whose supervision

such experience was obtained or by the pharmacist-in-charge at the pharmacy while the pharmacist intern obtained the experience.

(c) An applicant for the examination who has been licensed as a pharmacist in any state for at least one year, as certified by the licensing agency of that state, shall be exempt from subdivision (a). Certification of an applicant's licensure in another state shall be submitted in writing and signed, under oath, by a duly authorized official of the state in which the license is held.

SEC. 21. Section 4409 of the Business and Professions Code is amended to read:

4409. At the time a pharmacy license is renewed pursuant to subdivision (a) of Section 4110 or a pharmacist license is renewed pursuant to Section 4401, the pharmacy or pharmacist may make a ~~twenty-five dollar (\$25)~~ *contribution of at least twenty-five dollars (\$25)*, to be submitted to the board, for the sole purpose of funding the California Pharmacist Scholarship and Loan Repayment Program established pursuant to Article 2 (commencing with Section 129198) of Chapter 3 of Part 3 of Division 107 of the Health and Safety Code. The contribution submitted pursuant to this section shall be paid into the State Treasury and credited to the California Pharmacist Scholarship and Loan Repayment Program Fund established pursuant to ~~Section 129198.5~~ *128198.5* of the Health and Safety Code.

SEC. 22. Section 4980.395 of the Business and Professions Code is amended to read:

4980.395. (a) ~~Effective January 1, 2005, as a condition of the first renewal of a person's license pursuant to this chapter, any person~~ *A licensee* who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care *during his or her first renewal period after the operative date of this section* and shall submit to the board evidence, acceptable to the board, of the person's satisfactory completion of the course.

(b) The course ~~could~~ *shall* include, but is not limited to, the biological, social, and psychological aspects of aging.

(c) ~~Any~~ *A* person seeking the first renewal of his or her license ~~pursuant to this chapter to meet the requirements of subdivision (a) of this section~~ may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this section, or proof of

1 equivalent teaching or practice experience. The board, in its
2 discretion, may accept that certification as meeting the
3 requirements of this section.

4 (d) The board ~~shall~~ *may* not renew an applicant's license ~~upon~~
5 ~~the applicant's application for the first renewal of his or her license~~
6 until the applicant has met the requirements of this section.

7 (e) *Continuing education courses taken pursuant to this section*
8 *shall be applied to the 36 hours of approved continuing education*
9 *required in Section 4980.54.*

10 (f) *This section shall become operative on January 1, 2005.*

11 SEC. 23. Section 4990.4 of the Business and Professions
12 Code is amended to read:

13 4990.4. ~~"Approved~~ "Accredited school of social work,"
14 within the meaning of this chapter, is a school that is accredited by
15 the Commission on Accreditation of the Council on Social Work
16 Education.

17 SEC. 24. Section 4996.18 of the Business and Professions
18 Code is amended to read:

19 4996.18. (a) ~~Any~~ A person who wishes to be credited with
20 experience toward licensure requirements shall register with the
21 board as an associate clinical social worker prior to obtaining that
22 experience. The application shall be made on a form prescribed by
23 the board and shall be accompanied by a fee of ~~ninety~~ *seventy-five*
24 ~~dollars (\$90)~~ (\$75). An applicant for registration shall (1) possess
25 a master's degree from an accredited school or department of
26 social work, and (2) not have committed any crimes or acts
27 constituting grounds for denial of licensure under Section 480. On
28 and after January 1, 1993, an applicant who possesses a master's
29 degree from a school or department of social work that is a
30 candidate for accreditation by the Commission on Accreditation
31 of the Council on Social Work Education shall be eligible, and
32 shall be required, to register as an associate clinical social worker
33 in order to gain experience toward licensure if the applicant has not
34 committed any crimes or acts that constitute grounds for denial of
35 licensure under Section 480. That applicant shall not, however, be
36 eligible for examination until the school or department of social
37 work has received accreditation by the Commission on
38 Accreditation of the Council on Social Work Education.

39 (b) Registration as an associate clinical social worker shall
40 expire one year from the last day of the month during which it was

1 issued. A registration may be renewed annually after initial
2 registration by filing on or before the date on which the registration
3 expires, an application for renewal, paying a renewal fee of
4 seventy-five dollars (\$75), and notifying the board whether he or
5 she has been convicted, as defined in Section 490, of a
6 misdemeanor or felony, and whether any disciplinary action has
7 been taken by any regulatory or licensing board in this or any other
8 state, subsequent to the issuance of the initial registration or
9 registrant's last renewal. Each person who registers or has
10 registered as an associate clinical social worker, may retain that
11 status for a total of six years.

12 (c) Notwithstanding the limitations on the length of an
13 associate registration in subdivision (b), an associate may apply
14 for, and the board shall grant, one-year extensions beyond the
15 six-year period when no grounds exist for denial, suspension, or
16 revocation of the registration pursuant to Section 480. An
17 associate shall be eligible to receive a maximum of three one-year
18 extensions. An associate who practices pursuant to an extension
19 shall not practice independently and shall comply with all
20 requirements of this chapter governing experience, including
21 supervision, even if the associate has completed the hours of
22 experience required for licensure. Each extension shall commence
23 on the date when the last associate renewal or extension expires.
24 An application for extension shall be made on a form prescribed
25 by the board and shall be accompanied by a renewal fee of fifty
26 dollars (\$50). An associate who is granted this extension may work
27 in all work settings authorized pursuant to this chapter.

28 (d) A registrant shall not provide clinical social work services
29 to the public for a fee, monetary or otherwise, except as an
30 employee.

31 (e) A registrant shall inform each client or patient prior to
32 performing any professional services that he or she is unlicensed
33 and is under the supervision of a licensed professional.

34 (f) Any experience obtained under the supervision of a spouse
35 or relative by blood or marriage shall not be credited toward the
36 required hours of supervised experience. Any experience obtained
37 under the supervision of a supervisor with whom the applicant has
38 a personal relationship that undermines the authority or
39 effectiveness of the supervision shall not be credited toward the
40 required hours of supervised experience.

1 (g) An applicant who possesses a master's degree from an
2 ~~approved~~ *accredited* school or department of social work shall be
3 able to apply experience the applicant obtained during the time the
4 ~~approved~~ *accredited* school or department was in candidacy status
5 by the Commission on Accreditation of the Council on Social
6 Work Education toward the licensure requirements, if the
7 experience meets the requirements of Section 4996.20, 4996.21,
8 or 4996.23. This subdivision shall apply retroactively to persons
9 who possess a master's degree from an ~~approved~~ *accredited* school
10 or department of social work and who obtained experience during
11 the time the ~~approved~~ *accredited* school or department was in
12 candidacy status by the Commission on Accreditation of the
13 Council on Social Work Education.

14 (h) *An applicant for registration or licensure trained in an*
15 *educational institution outside the United States shall demonstrate*
16 *to the satisfaction of the board that he or she possesses a master's*
17 *of social work degree that is equivalent to a master's degree issued*
18 *from a school or department of social work that is accredited by*
19 *the Commission on Accreditation of the Council on Social Work*
20 *Education. These applicants shall provide the board with a*
21 *comprehensive evaluation of the degree and shall provide any*
22 *other documentation the board deems necessary. The board has*
23 *the authority to make the final determination as to whether a*
24 *degree meets all requirements, including, but not limited to, course*
25 *requirements regardless of evaluation or accreditation.*

26 SEC. 25. Section 4996.20 of the Business and Professions
27 Code is amended to read:

28 4996.20. The experience required by subdivision (c) of
29 Section 4996.2 shall meet the following criteria:

30 (a) An applicant shall have at least 3,200 hours of post-master's
31 experience, supervised by a licensed clinical social worker, in
32 providing clinical social work services consisting of psychosocial
33 diagnosis; assessment; treatment, including psychotherapy and
34 counseling; client-centered advocacy; consultation; and
35 evaluation as permitted by Section 4996.9. For persons applying
36 for licensure on or after January 1, 1992, this experience shall have
37 been gained in not less than two nor more than six years and shall
38 have been gained within the six years immediately preceding the
39 date on which the application for licensure was filed. ~~The board~~
40 ~~may credit experience gained more than six years prior to the date~~

1 ~~on which an application was filed upon a showing of good cause~~
2 ~~or where the applicant is licensed and currently practicing in~~
3 ~~another state.~~

4 (b) Notwithstanding the requirements of subdivision (a) that
5 3,200 hours of experience shall be gained under the supervision of
6 a licensed clinical social worker, up to 1,000 hours of the required
7 experience may be gained under the supervision of a licensed
8 mental health professional acceptable to the board.

9 For purposes of this section, “supervision” means
10 responsibility for and control of the quality of social work services
11 being provided. Consultation shall not be considered to be
12 supervision. Supervision shall include at least one hour of direct
13 supervision for each week of experience claimed. Not less than
14 one-half of the hours of required supervision shall be individual
15 supervision. The remaining hours may be group supervision.
16 “Individual supervision” means one supervisor meets with one
17 supervisee at a time. “Group supervision” means a supervisor
18 meets with a group of no more than eight supervisees at a time.

19 (c) For purposes of this section, a “private practice setting” is
20 any setting other than a governmental entity, a school, college or
21 university, a nonprofit and charitable corporation or a licensed
22 health facility. Employment in a private practice setting shall not
23 commence until the applicant has been registered as an associate
24 clinical social worker. A registrant employed in a private practice
25 setting shall not:

26 (1) Pay his or her employer for supervision, and shall receive
27 fair remuneration from his or her employer.

28 (2) Receive any remuneration from patients or clients and shall
29 only be paid by his or her employer.

30 (3) Perform services at any place except where the registrant’s
31 employer regularly conducts business.

32 (4) Have any proprietary interest in the employer’s business.

33 (d) A person employed in a setting other than a private practice
34 setting may obtain supervision from a person not employed by the
35 registrant’s employer if that person has signed a written contract
36 with the employer to take supervisory responsibility for the
37 registrant’s social work services.

38 (e) This section shall apply only to persons who apply for
39 registration on or before December 31, 1998.

SEC. 26. Section 4996.26 of the Business and Professions Code is amended to read:

4996.26. (a) ~~Effective January 1, 2005, as a condition of the first renewal of a person's license pursuant to this chapter, any person~~ A licensee who began graduate study prior to January 1, 2004, shall complete a three-hour continuing education course in aging and long-term care *during his or her first renewal period after the operative date of this section*, and shall submit to the board evidence acceptable to the board of the person's satisfactory completion of the course.

(b) The course ~~could~~ *shall* include, but is not limited to, the biological, social, and psychological aspects of aging.

(c) Any person seeking ~~the first renewal of his or her license pursuant to this chapter to meet the requirements of subdivision (a) of this section~~ may submit to the board a certificate evidencing completion of equivalent courses in aging and long-term care taken prior to the operative date of this section, or proof of equivalent teaching or practice experience. The board, in its discretion, may accept that certification as meeting the requirements of this section.

(d) The board ~~shall~~ *may* not renew an applicant's license ~~upon the applicant's application for the first renewal of his or her license~~ until the applicant has met the requirements of this section.

(e) *Continuing education courses taken pursuant to this section shall be applied to the 36 hours of approved continuing education required in Section 4996.22.*

(f) *This section shall become operative on January 1, 2005.*

SEC. 27. Section 11159.1 of the Health and Safety Code is amended to read:

11159.1. An order for controlled substances furnished to a patient in a clinic which has a permit issued pursuant to Article ~~3.5 13~~ (commencing with Section ~~4063~~ 4180) of Chapter 9 of Division 2 of the Business and Professions Code, except an order for a Schedule II controlled substance, shall be exempt from the prescription requirements of this article ~~but~~ *and* shall be in writing on the patient's record, signed by the prescriber, dated, and shall state the name and quantity of the controlled substance ordered and the quantity actually furnished. The record of the order shall be maintained as a clinic record for a minimum of seven years. This section shall apply only to a clinic that has obtained a permit under

1 the provisions of Article ~~3.5~~ 13 (commencing with Section ~~4063~~)
2 4180) of Chapter 9 of Division 2 of the Business and Professions
3 Code.

4 Clinics that furnish controlled substances shall be required to
5 keep a separate record of the furnishing of those drugs which shall
6 be available for review and inspection by all properly authorized
7 personnel.

8 SEC. 28. Section 11207 of the Health and Safety Code is
9 amended to read:

10 11207. (a) No person other than a ~~registered~~ pharmacist
11 ~~under the laws of this state as defined in Section 4036 of the~~
12 *Business and Professions Code* or an intern pharmacist, as defined
13 in Section ~~4038.1~~ 4030 of the Business and Professions Code, who
14 is under the personal supervision of a pharmacist, shall compound,
15 prepare, fill or dispense a prescription for a controlled substance.

16 (b) *Notwithstanding subdivision (a), a pharmacy technician*
17 *may perform those tasks permitted by Section 4115 of the Business*
18 *and Professions Code when assisting a pharmacist dispensing a*
19 *prescription for a controlled substance.*

20 SEC. 29. Section 111625 of the Health and Safety Code is
21 amended to read:

22 111625. (a) A license application shall be completed
23 annually and accompanied by an application fee as prescribed in
24 Section 111630. This fee is not refundable if the license is refused.

25 (b) *A manufacturer licensed pursuant to this article may not*
26 *operate without employing sufficient, qualified supervision to*
27 *adequately safeguard and protect the public health. Either a*
28 *pharmacist licensed pursuant to Section 4200 of the Business and*
29 *Professions Code or an individual issued a certificate of exemption*
30 *pursuant to Section 4053 of the Business and Professions Code*
31 *shall be deemed qualified to provide sufficient, qualified*
32 *supervision, as required by this subdivision.*

33 SEC. 30. No reimbursement is required by this act pursuant
34 to Section 6 of Article XIII B of the California Constitution
35 because the only costs that may be incurred by a local agency or
36 school district will be incurred because this act creates a new crime
37 or infraction, eliminates a crime or infraction, or changes the
38 penalty for a crime or infraction, within the meaning of Section
39 17556 of the Government Code, or changes the definition of a

- 1 crime within the meaning of Section 6 of Article XIII B of the
- 2 California Constitution.

O

